

REMARKS/ARGUMENTS

Request to Withdraw Finality of Office Action

Applicants request that the finality of the Office Action dated May 19, 2008 be withdrawn as improper. Claims 44-46 and 48-69 have been rejected as obvious in view of newly cited FR 1,344,883. However, claim 44 is equivalent to original claim 47 written in independent form. Accordingly, the conclusion that “Applicants’ amendment necessitated the new ground(s) of rejection” is not correct. Applicants respectfully request withdrawal of the finality of the Office Action dated May 19, 2008.

§103(a) Rejections

Claims 44-46 and 48-69 stand rejected under 35 U.S.C. §103(a) as obvious in view of FR 1,344,883 (“FR ‘883”). Applicants respectfully traverse this rejection.

The currently claimed invention is a process for protecting organic material from the damaging effect of light by adding to organic material at least one naphthalene-1,8-dicarboxylic monoimide of formula I (see claim 44). The naphthalimides used in the claimed process are UV absorbers and afford long-term stability, photostability, and thermal stability to organic materials (specification: page 3, lines 20-27). On the other hand, FR ‘883 discloses naphthalimides as optical whitening agents (see Title and page 1 of GB 962,019 which is an English equivalent of FR ‘883 - submitted herewith).

Optical whitening agents are compounds capable of brightening and/or bleaching materials by converting invisible ultraviolet radiation into visible longer-wave length light. The naphthalimides of FR ‘883 show an absorption in the ultraviolet range and emit a distinctive blue violet fluorescence, which make them useful as whitening agents as described in FR ‘883 (see page 2, lines 16-28 of GB 962,019).

In contrast, UV absorbers are used to protect organic material from the negative effects caused by sunlight. Thus a UV absorber is used to increase the sunlight exposure resistance of a material, whereas an optical whitening agent as explained above is used to yield a whiter appearance of a material.

Furthermore, the Office Asserts that FR '883 shows the use of the naphthalimides as "uv stabilizers for polymers" (Office Action, page 2, para. 3). This is not correct. Not every compound showing an absorption in the ultraviolet range is a potential UV absorber because the photostability, thermal stability, sublimation resistance, migration fastness and solubility requirements of UV absorbers are much higher than those for optical whitening agents. Moreover, optical whitening agents usually don't meet these higher requirements as evidenced by Plastics Additives Handbook 5th Edition (page 886, 3rd paragraph - submitted herewith):

"Optical whitening agents are usually more or less sensitive in the wavelength range needed to excite the molecule. Consequently, the light-fastness of an optical whitening agent is limited and is considerably lower than the light-fastness of pigments and the light stability of most plastics." (emphasis added)

Thus, one skilled in the art, would consider optical whitening agents to be inefficient light stabilizers.

In addition, FR '883 is silent with respect to the use of naphthalimides as UV absorbers. In fact, FR '883 does not disclose any working examples that demonstrate long-term durability, sublimation resistance, migration fastness or solubility as would be expected from UV absorbers. Therefore, one skilled in the art would not have had any motivation to use naphthalimides, disclosed as optical whitening agents, for protecting organic materials from the damaging effect of light which would be reserved for UV absorbers, not "inefficient light stabilizers".

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Accordingly, given the differences between UV absorbers and optical whitening agents as described above, as well as the silence of FR '883 with respect to the use of naphthalimides as UV absorbers, FR '883 fails to disclose or suggest such a use of the naphthalimides as is claimed by Applicants. Thus, FR '883 does not render obvious Applicants' claims.

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance, and Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.


Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Justine M. Wilbur
Registration No. 59,678